

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 25, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:09OD-080

Oahu

Cancellation of Revocable Permit No. S-6973 to Richard Furtado, and Issuance of Revocable Permit to Cheryl McConnell and Wesley Furtado, Waimanalo, Koolau-poko, Oahu, Tax Map Key:(1) 4-1-013:022.

APPLICANT:

Cheryl McConnell and Wesley Furtado, as joint tenants, whose mailing address is 1319 Lekeona Street, Kailua, Hawaii, 96734.

LEGAL REFERENCE:

Sections 171-13 and 55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waimanalo, situated at Koolau-poko, Oahu, identified by Tax Map Key:(1)4-1-013:022, as shown on the attached map labeled Exhibit A.

AREA:

6.860 acres, more or less.

ZONING:

State Land Use District: Agricultural
City and County of Honolulu LUO: AG-2 General Agricultural

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X_____

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-6973, Richard Furtado and Patricia Toshiko Furtado, Permittees, for pasture and horse stabling purposes.

CHARACTER OF USE:

Pasture and horse stabling purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

\$141.00 per month (current rent under RP 6973).

COLLATERAL SECURITY DEPOSIT:

Equivalent to two month's rent.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 as "there will be negligible or no expansion or change of use beyond that previously existing".

DCCA VERIFICATION:

Not applicable - applicant is an individual.

REMARKS:

The subject property is State-owned land consisting of approximately 6.860 acres which is encumbered under Revocable Permit No. S-6973 to Richard Furtado and Patricia Toshiko Furtado, husband and wife, in June 1, 1995 for pasture and horse stabling purposes.

By way of letter dated July 13, 2009. Cheryl Mc Connell, daughter of Richard Furtado, informed the Land Division that her parents, Patricia Toshiko Furtado had passed away in June 2008 and Richard Furtado had passed away in April 2009.

Cheryl McConnell and her brother, Wesley Furtado are requesting that Revocable Permit No. S-6973 be terminated and that a new revocable permit be issued under both of their names. Both Cheryl McConnell and Wesley Furtado, has been helping their parents manage and maintain the premises since June 1995.

SUMMARY OF COMMENTS:

Request for comments were sent to the following government agencies: Department of Agriculture, Department of Hawaiian Home Lands, Department of Transportation, Highways Division, DLNR Divisions of Engineering, Division of Historic Preservation, Commission of Water

Resource Management, Office of Hawaiian Affairs, the Department of Hawaiian Home Lands, the City and County of Honolulu, Planning and Permitting and Department of Facility Maintenance.

DLNR-Commission of Water Resource Management, Office of Hawaiian and the City and County of Honolulu, department of Facility Maintenance had no objections to the issuance of a revocable permit.

The Department of Transportation, Highways Division had no objections to the issuance of a revocable permit but recommended that the applicants comply with the following:

- a) Install and properly maintain security fence and gates on the property to ensure that all animals are secured within the property.
- b) Closely monitor and ensure that no animals stray out of the property, possibly creating a hazard to motorists and/or bicyclists, pedestrians, etc.
- c) Access driveways connecting to the State highways be paved between the edge of pavement and the State rights-of-way line.
- d) A construction permit be obtained for all work done within the State highway right-of-way.

As of the date of this submittal, no other responses were received from any other government agencies mentioned above.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

There have no other request to utilize the subject property from other parties. Staff has no objection to this request.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the cancellation of Revocable Permit No.S-6973 issued to Richard Furtado and Patricia Toshiko Furtado.
3. Authorize the issuance of a revocable permit to Cheryl McConnell and Wesley Furtado covering the subject area for pasture/horse stabling purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

- a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
- b. Install and properly maintain security fence and gates on the property to ensure that all animals are secured within the property.
- c. Closely monitor and ensure that no animals stray out of the property, possibly creating a hazard to motorists and/or bicyclists, pedestrians, etc.
- d. Access driveways connecting to the State highways be paved between the edge of pavement and the State rights-of-way line.
- e. A construction permit be obtained for all work done within the State highway right-of-way.
- f. Review and approval by the Department of the Attorney General; and
- g. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.


Respectfully Submitted,



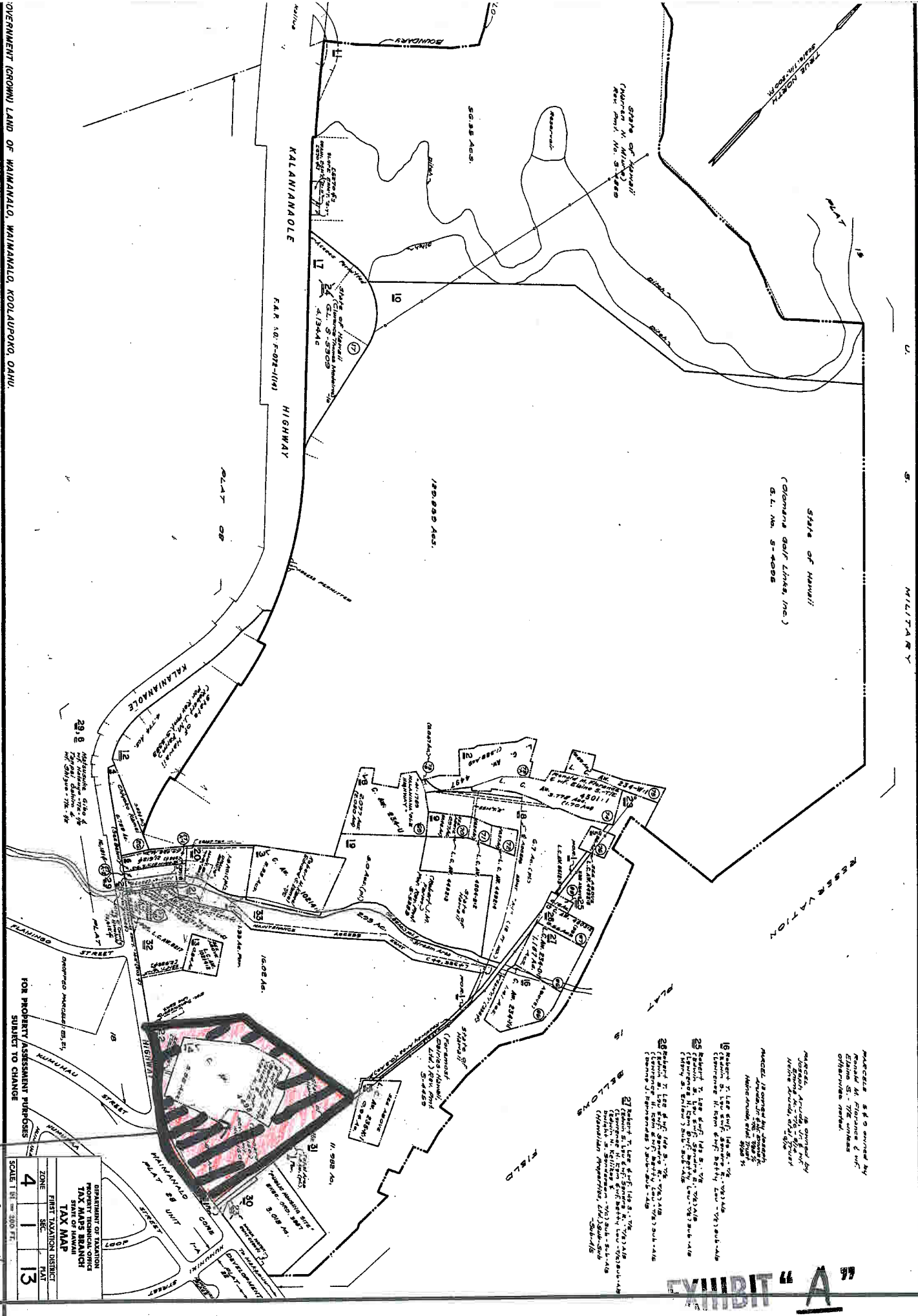
Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 

GOVERNMENT (CROWN) LAND OF WAIMANALO, WAIMANALO, KOOLAUPOKO, OAHU.



STATE OF HAWAII
(DIOMIA GOLF LINKS, INC.)
S.L. No. 5-4095

RESERVATION

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

TAX MAPS BRANCH PROPERTY TECHNICAL OFFICE STATE OF HAWAII			
TAX MAP			
ZONE	SEC.	PLAT	FIRST TAXATION DISTRICT
4	1	13	

SCALE 1" = 300 FT.

SUBJECT TO CHANGE
PLAT 58 UNIT

EXHIBIT "A"